

Application Number 09/876,432
Response to Office Action mailed January 29, 2008

REMARKS

This amendment is responsive to the Office Action dated January 29, 2008. Applicant has amended claim 8, and canceled claims 1, 3-7, 15-17, 39-41, 45-49, 75-78, and 80-102. Claims 2, 9, 14, 25-38, 42-44, 50-74, and 79 were previously canceled. Claims 8, 10-13, and 18-24 are pending upon entry of this amendment.

Allowable Subject Matter

In the Office Action, the Examiner indicated that claims 18-24 are allowable in their present form, and objected to claim 17 as including subject matter that would be allowable if rewritten in independent form. In this amendment, Applicant has amended independent claim 8 to include the subject matter of allowable claim 17 and any intervening claims. Consequently, claim 8 and the claims dependent therefrom (i.e., claims 10-13) are in condition for allowance.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-8, 12, 13, 15, 16, 75-78, 80-84 and 87-94 under 35 U.S.C. 103(a) as being unpatentable over Garber et al. (US 6,232,870) in view of Davidsson (US 6,934,718). In the Office Action, the Examiner also rejected claims 10, 11, 85 and 86 under 35 U.S.C. 103(a) as being unpatentable over Garber in view of Davidsson as applied to claims 8 and 83, and further in view of Beauchamp (US 6,886,011).

With reference to independent claim 8, as explained above, Applicant has amended claim 8 to include the subject matter of allowable claim 17 and any intervening claims. Consequently, the rejection of claim 8 under 35 U.S.C. 103(a) is moot, and claim 8 and the claims dependent therefrom (i.e., claims 10-13) are now in condition for allowance.

With reference to the claims 1, 3-7, 15-17, 39-41, 45-49, 75-78, and 80-102, Applicant respectfully traverses the rejections. For at least the reasons set forth in Applicant's previous responses, even when combined, the applied references fail to disclose or suggest all of the elements defined by Applicant's claims. Nonetheless, Applicant has canceled claims 1, 3-7, 15-17, 39-41, 45-49, 75-78, and 80-102 in the interest of furthering prosecution.

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Rejection for Obviousness-type Double Patenting:

The Examiner provisionally rejected claims 1, 3-8, 10-13, 15-24 and 48-49 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 60 and 64-77 of Application Serial No. 09/882,969.

Applicant respectfully traverses this rejection. A provisional rejection of claims under the judicially created doctrine of obviousness-type double patenting requires two **co-pending** applications that were filed by the same inventive entity. Application Serial No. 09/882,969 is **abandoned** as of October 29, 2005, and is therefore not currently pending. Thus, the provisional rejection of claims 1, 3-8, 10-13, 15-24 and 48-49 under the judicially created doctrine of obviousness-type double patenting is improper. Applicant respectfully requests the Examiner to withdraw the rejection.

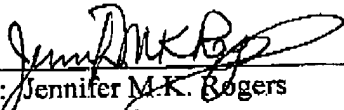
CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

March 25, 2008
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